



City of Carmel

Carmel Board of Zoning Appeals Regular Meeting Minutes Monday, January 28, 2019

Members Present: Alan Potasnik
James Hawkins
Leo Dierckman
Brad Grabow
Kent Broach

Staff Present: Angie Conn
Joe Shestak
Mike Hollibaugh

Legal Counsel: John Molitor

Time of Meeting: 6:00 PM

Swearing-in of Members, and Officer Elections

1. Swearing-in of New Members: **None**
2. Election of President: (**Alan Potasnik**) A motion made by Leo, seconded by James. Approved 5-0
3. Election of Vice President: (**Brad Grabow**) A motion made by Leo, seconded by James. Approved 5-0

Communications, Bills, and Expenditures: John Molitor

1. A BZA Executive Session will be held immediately following the conclusion of this BZA meeting.

Reports, Announcements, Legal Counsel Report, and Department Concerns: John Molitor

1. BZA Rules of Procedure amendment proposal, related to certified list of adjacent property owners.
**A motion made by Brad, and seconded by Kent to adopt the rule changes as presented by counsel.
Approved 5-0**

Public Hearings

(UV) Miller Auto Care, 969 N. Rangeline Rd.

The applicant seeks the following use variance & development standards variance approvals for Automobile/Truck Service/Repair for the entire parcel:

1. **Docket No. 18110007 UV UDO Section 2.35 Prohibited Uses, Automobile/Truck Repair (Indoor) & Service use requested.** The 4.71-acre site is located at 969 N. Rangeline Rd. It is zoned C2/Mixed Use and is partly in the Floodplain. Filed by Erik Dirks of Old Town Design Group, on behalf of Miller Auto Care and 969 N Rangeline LLC.

Petitioner: Justin Moffett, Old Town Design Group

- This area was rezoned last year
- We have a private partnership between the CRC, Old Town Design Group, and Miller Auto that facilitate the move of Miller Auto to this site
- CRC helped rezone the current property knowing Miller Auto was going to be relocated to this site
- *Presented a conceptual site plan and rendering of the new structure and surface parking*

Public Comments: None

Department Report: Angie Conn:

- This property has been used for automobile related uses and sales
- We recommend positive consideration of the use variance

Board Comments: None

On a Motion made by Leo and seconded by Kent to approve Docket No. 18110007 UV.

Approved 5-0

(V) 331 1st St SW Accessory Dwelling.

The applicant seeks the following development standards variance approvals:

2. **Docket No. 18120006 V UDO Section 5.02.B.1 Accessory dwelling to sit in front of a primary dwelling structure, rather than 25-ft behind.**
3. **Docket No. 18120007 V UDO Section 5.02.B.3 Accessory building that is larger than 24' x 30' footprint, 37' x 46' requested.**
4. **Docket No. 18120008 V UDO Section 2.10 Accessory building taller than 18', 26.32' requested.** The site is located at 331 1st Street SW. It is zoned R2/Residence and Old Town Overlay District, Character Subarea. Filed by George Small of Design Point Architects, on behalf of Karl & Barbara Meyer, owners.

Petitioner: Russell Brown, attorney for Clark Quinn LLP

- Our request is to rehab, reuse, and revitalize this property of the southeast corner of 1st Street
- After completion of this project, three structures would be located on this property
- We would reuse the current single family dwelling
- A new accessory structure and a two car garage will be built on this property
- We want to reutilized the existing 100 year old structure
- This property has two front yards since it sits on a corner lot
- The new primary entrance would be off of 4th Avenue, and continue to have an entrance off of 1st Street
- The accessory structures will be subservient to the primary use of the property
- We will use the existing curb cut in attempts to preserve the existing mature trees on the property
- Staff Report had one condition that the accessory building will be utilized as the residence during the construction of the 2nd building and we are agreeable to this condition
- If approved, we will apply for the permits and begin construction and rehab of the existing home which will last for five months

Alan: How many people are here tonight to speak in favor or against this petition? *Three (3) people raised their hands.* Each speaker will have five (5) minutes each.

Public Comments:

Jane Fleck, 225 1st St. SW: We live four houses from the property. I just wanted to say we think it's a beautiful plan, and welcome to the neighborhood.

Susan O'Shea, 321 1st St. SW: I live next door to the property. I'm happy to have the old house rehabbed and I have no objections to the variances.

Mark Studebaker, lives directly behind property: I rehabbed the property directly behind this property four years ago. I tore the structure down. We tried to get a variance to cut into the ingress of the sidewalk, and we were not allowed to go onto 4th Ave at all. You are talking a single family lot and creating two single family structures. I oppose this.

Rebuttal to Public Comments: None

Department Report: Angie Conn:

- The UDO allows for properties in the Old Town Overlay to have accessory building as permitted accessory use
- All the variances requested tonight make sense
- Staff is currently looking at the architecture site plan and there are just a few outstanding remaining comments
- We are in full support of the variances with the following condition; the petitioner must live in the northernmost dwelling while they build the 2nd southern dwelling. The Ordinance requires you must have a primary structure on the site before you build an accessory structure.
- The Petitioner will dedicate some of their ROW on the southern end of the property for a potential future alley way that would run east-west through that entire block

Board Comments: None

**On a Motion made by James and seconded by Leo to approve Docket Nos. 18120006-8 V.
Approved 5-0**

(UV) PIP Printing, 2430 E. 96th St.

The applicant seeks the following use variance approval for an existing pole barn:

5. **Docket No. 18120009 UV UDO Section 2.05 Prohibited Uses, Printing/Publishing Establishment requested.** The 3-acre site is located at 2430 E. 96th St. It is zoned S2/Residence. Filed by Jeffrey Lauer of Polis Collaborative LLC, on behalf of PIP, Inc.

Petitioner: Jeffrey Lauer

- PIP's primary address is located at 11711 N. Meridian Street and is currently operating out at this location
- *Presented an aerial of the current site plan*
- We are requesting to permit publishing and printing operation in the existing pole barn on the property
- PIP's sign business has grown and they would like to expand to this location
- We like this location and this works with what the City sees fit in this corridor
- No exterior improvements would be done to the pole barn
- This site would not be an open retail, just printing and sign manufacturing for 1-2 employees
- *Presented photos of the existing pole barn* that showed the size and distance from 96th Street
- We have addressed some of the outstanding items and will continue to work with staff on the remaining items
- Staff has recommended a time limit of 2-3 years on this variance request. The Petitioner would like to request a longer time limit of 5 years. We think this is reasonable.
- The PIP owners have relation to the family living directly to the west of this property. There's opportunity to purchase this 6 acre property to expand ours.

Bud Kistner, PIP Printing, 3rd generation

- We have grown from 2 to 9 employees in the last 10 years and hope to continue to grow
- We have the support from the adjacent neighbors for this proposal

Alan: How many people are here tonight to speak in favor or against this petition? *Three (3) people raised their hands.* Each speaker will have five (5) minutes each.

Public Comments:

Nicole Zeckner, 2480 E. 96th St.: I live one house east of this property. I was initially concerned with this plan because it was not part of the Carmel Clay Comprehensive Plan. The petitioner has been very open with what their plans are. With being only 1-2 employees, operating 8-5 Mon-Fri., and the primary property remaining residential, we think it would have minimal impact on us.

Amy Bruntlett, 2469 E. 98th St.: I live north of this property. This area is zoned residential. I'm not sure what kind of traffic they are going to have. I think the existing trees should remain.

Joy Sullivan, 9844 Chambray Drive: I am president of the Chesterton HOA. Our neighborhood borders northeast to this property. Our big concern now is what is the long term plan for this entire property? How are we going to protect the integrity of our neighborhood? We only have one entrance to the neighborhood. We don't have any sidewalks. What's

the long term plan to protect our secluded tree-lined neighborhood? How are you going to protect us from declining home values, light pollution and traffic issues?

Rebuttal to Public Comments: Jeffery Lauer

- The variance request would be with the entire property
- We are open to the conditions to just limiting our business to just the pole barn
- Staff asked us to preserve the existing trees and we are committed to this
- We submitted an exhibit of all the existing trees, and any healthy trees would not be removed
- Only a portion of the frontage along 96th street is proposed as commercial, with the rest behind it as residential
- This is request is time limited, and anything after that we would have to resubmit again in front of the PC and CC

Department Report: Angie Conn:

- The Petitioner will have two employees operating in the pole barn
- No smells or vibrations would be made by the equipment
- The Comprehensive Plan for this section of 96th Street is slated for 1-2 story buildings
- This property will be used as short-term use and not long-term use that would require a rezoning process
- The Petitioner is dedicating their street ROW
- We want to them to construct their part of the multi-use path now or pay towards the non-thoroughfare fund
- There are some outstanding review comments that we will work out with the Petitioner
- They need to show how the Fire Dept. will have access to the pole barn
- They need to show the details on the bicycle parking
- We would want the BZA to consider a time limit of 2-3 years. If approved for 5 years, add the use for the pole barn only and preserve the trees on the north half of the parcel
- We are in full support of this use variance

Board Comments:

Leo: Since there's a long list of open items for Staff to work on, I recommend we continue this to the next meeting.

James: I agree with Leo. Do you anticipate getting these resolved? **Angie:** We can get most of these addressed this week. We need feedback from the Petitioner if they want to install the path or pay towards the thoroughfare fund.

James: What would the cost be? **Angie:** They need to get the estimated construction cost from an engineer.

Alan: I would like to see more views and details. Show how the road will go back to the pole barn. Where's the parking and lighting going to be? **Jeff Lauer:** There were some delays in getting back the costs on the construction of the multi-use path. We can prepare some additional detail.

Brad: I would restrict the commercial use to only 25' north of the pole barn, so the existing trees would be protected on the northern portion of the property.

On a Motion made by Leo and seconded by James to continue Docket No. 18120009 UV to next month's BZA meeting (2/25/19). Approved 5-0

TABLED TO FEB. 25 - (UV) Recovery Auto.

The applicant seeks the following use variance approval:

- ~~6. Docket No. 18120010 UV UDO Section 3.01 Prohibited Uses in Overlay, Automobile Sales & Display requested. The 0.4 acre site is located at 10601 E. 106th St. It is zoned B2/Business and Home Place Overlay District, Business Sub-Area. Filed by E. Davis Coots of Coots, Henke & Wheeler, on behalf of Dianwei Wang and Meili He, owners.~~

Meeting adjourned at 6:52 p.m.

Alan Potasnik – President

Joe Shestak – Recording Secretary